

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-0321



August 19, 1982

ALL-COUNTY LETTER NO. 82-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: VAESSEN V. WOODS - SUPREME COURT ORDER


REFERENCE: AFDC TREATMENT OF INCOME TAX REFUNDS

In All-County Letter No. 82-55 we informed you of the status of the case of Vaessen v. Woods which concerns the treatment of income tax refunds as income or as property. You were instructed at that time to treat tax refunds as income under the lump sum provisions of EAS 44-207.4.

On August 9, 1982 the California Supreme Court agreed to hear plaintiff's appeal and issued an interim order requiring the Department to treat specified income tax refunds as property resources instead of as income for purposes of determining the allowance and amount of AFDC benefits.

Pursuant to the order, you are hereby instructed to disregard the provisions of EAS 44-207, as applied to income tax refunds, and to otherwise treat such refunds as property rather than income for grant and eligibility determination purposes. Implementation of this order will affect applications as of August 9, 1982 and continuing cases beginning with the September grant.

Vaessen v. Woods is interrelated with Turner v. Woods (see ACIN I-102-82). We realize that the status of these two cases is changing rapidly, and will probably continue to do so for some time. We will keep you informed of developments as we become aware of them. If there are any questions on these instructions, please contact your AFDC Program Management Consultant.


KYLE S. MCKINSEY
Deputy Director

cc: CWDA

ATTACHMENT

GEN 654 (7/78)

431617

SUPREME COURT
FILED

AUG 9 1982
LAURENCE P. GILL, Clerk

1st Civil No. 82386

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

VASSET ET AL

v.

MOSES, ETC.

Respondents' petition for hearing GRANTED and cause transferred to this court.

I, LAURENCE P. GILL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

7th day of August A.D. 1982

Clerk
By R. Johnson
Deputy Clerk

BIRD,

Chief Justice

MOSE,

Justice

BROUSSARD,

Justice

REYNOSO,

Justice

Justice

Justice

Justice

SUPREME COURT
FILED

AUG 9 1982

LAURENCE P. GILL, Clerk

2nd Civil No. 65765

10002

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

VAESSER, Petitioner,

v.

THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent;
WOODS, ETC., Real Party in Interest.

Petition for hearing GRANTED and matter transferred to this court. Let an alternative writ of mandamus issue to be heard before this court when the proceeding is ordered on calendar.

The alternative writ is to be issued, served and filed on or before August 13, 1982.

The written return to the writ is to be served and filed on or before September 1, 1982.

Pending final determination of this matter, real parties in interest are ordered to treat the following income tax refunds, received by applicants for, or recipients of, Aid to Families with Dependent Children (AFDC), as property resources instead of as income for purposes of determining the allowance and amount of AFDC benefits:

(1) Refunds received at any time during which real parties are including income tax withholdings as income for such AFDC purposes;

(2) Refunds attributable to income tax withholdings that were included in income in determining the allowance or amount of AFDC benefits granted the recipients of such refunds.

BIRD,

Chief Justice

MOSK,

Justice

BROUSSARD,

Justice

KEYNGSO,

Justice

Justice

Justice

Justice

LAURENCE P. GILL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

11th day of August A.D. 1982

By *R. Johnson* Clerk
Deputy Clerk